IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 523 OF 2006

The Grampanchayat
At Chindar, Tal. Malvan,
Dist. Sindhudurg. .. Petitioner

Vs.

Gopal Vasant Labdhe .. Respondent

Mr. Uday Warunjikar for petitioner.
Mr. S.A. Sawant for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : July 24, 2006.

P.C.:

1. Heard Mr. Warunjikar the learned counsel for the petitioner who has been impleaded as defendant in the Regular Civil Suit No.145 of 2004 and the plaintiff's application for temporary injunction at Exh.5 came to be rejected by the learned Civil Judge, Junior Division at Malvan. The plaintiff, therefore, filed Misc. Civil Appeal No. 16 of 2005 which has been allowed by the learned District Judge at Sindhudurg vide his Judgment and Order dated 29/3/2005 by granting temporary injunction restraining village panchayat from constructing road in straight line

during the pendency of the suit. In addition, the hearing of the suit has been expedited.

2. Thus, the injunction has been operating against the village panchayat for the last about one and half years and, in fact, against the impugned order this petition came to be filed belatedly on 19/1/2006. Under the circumstances, it would be appropriate that the trial of the suit is directed to be completed within a fixed period and more so when the prima facie findings recorded by the Lower Appellate Court cannot be termed as perverse or grossly erroneous.

3. Hence the petition is disposed off by directing the trial court to hear and decide Regular Civil Suit No.145 of 2004 as expeditiously as possible but preferably by 31st December, 2006.

. Writ to go to the trial court forthwith.

(B.H. Marlapalle,J.)